

House File 227 - Enrolled

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HOUSE FILE 227

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1 3 AN ACT
1 4 RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO
1 5 REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE
1 6 REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE,
1 7 RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING
1 8 PROVISIONS, OR REMOVE AMBIGUITIES, AND INCLUDING EFFECTIVE
1 9 AND RETROACTIVE APPLICABILITY DATE PROVISIONS.
1 10
1 11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 12
1 13 Section 1. Section 2B.5, subsection 3, Code 2005, is
1 14 amended to read as follows:
1 15 3. Cause to be published annually a correct list of state
1 16 officers and deputies; members of boards and commissions;
1 17 justices of the supreme court, judges of the court of appeals,
1 18 and judges of the district courts including district associate
1 19 judges and judicial magistrates; and members of the general
1 20 assembly. ~~The offices office of the governor and secretary of~~
1 21 ~~state shall cooperate in the preparation of the list.~~
1 22 Sec. 2. Section 2B.12, subsection 8, Code 2005, is amended
1 23 to read as follows:
1 24 8. A Code or Code Supplement may include appropriate
1 25 tables showing the disposition of Acts of the general
1 26 assembly, the corresponding sections from edition to edition
1 27 of a Code or Code Supplement, and other reference material as
1 28 determined by the Iowa Code editor in accordance with policies
1 29 of the legislative council.
1 30 Sec. 3. Section 2B.17, subsection 2, Code 2005, is amended
1 31 to read as follows:
1 32 2. The Acts of each general assembly shall be known as
1 33 "Acts of the .. General Assembly, .. Session, Chapter (or File
1 34 No.) .., Section .." (inserting the appropriate numbers) and
1 35 shall be cited as ".. Iowa Acts, chapter (or File No.)..,
2 1 section .." (inserting the appropriate year, chapter or file
2 2 number, and section number).
2 3 Sec. 4. Section 2C.13, Code 2005, is amended to read as
2 4 follows:
2 5 2C.13 NO INVESTIGATION == NOTICE TO COMPLAINANT.
2 6 If the citizens' aide decides not to investigate, the
2 7 complainant shall be informed of the reasons for the decision.
2 8 If the citizens' aide decides to investigate, the complainant
2 9 and the agency shall be notified of the decision. After
2 10 completing consideration of a complaint, whether or not it has
2 11 been investigated, the citizens' aide shall without delay
2 12 inform the complainant of the fact, and if appropriate, shall
2 13 inform the ~~administrative~~ agency involved. The citizens' aide
2 14 shall on request of the complainant, and as appropriate,
2 15 report the status of the investigation to the complainant.
2 16 Sec. 5. Section 2C.14, Code 2005, is amended to read as
2 17 follows:
2 18 2C.14 INSTITUTIONALIZED COMPLAINANTS.
2 19 A letter to the citizens' aide from a person in a
2 20 correctional institution, a hospital, or other institution
2 21 under the control of an ~~administrative~~ agency shall be
2 22 immediately forwarded, unopened to the citizens' aide by the
2 23 institution where the writer of the letter is a resident. A
2 24 letter from the citizens' aide to such a person shall be
2 25 immediately delivered, unopened to the person.
2 26 Sec. 6. Section 2C.17, unnumbered paragraph 1, Code 2005,
2 27 is amended to read as follows:
2 28 The citizens' aide may publish the conclusions,
2 29 recommendations, and suggestions and transmit them to the
2 30 governor, or the general assembly or any of its committees.
2 31 When publishing an opinion adverse to an ~~administrative~~ agency
2 32 or official the citizens' aide shall, unless excused by the
2 33 agency or official affected, include with the opinion any
2 34 unedited reply made by the agency.
2 35 Sec. 7. Section 3.3, Code 2005, is amended to read as
3 1 follows:
3 2 3.3 HEADNOTES AND HISTORICAL REFERENCES.
3 3 Proper headnotes may be placed at the beginning of a
3 4 section of a bill or a Code section, and at the end of ~~the a~~
3 5 Code section there may be placed a reference to the section

3 6 number of the Code, or any Iowa Act from which the matter of
3 7 the ~~bill~~ Code section was taken, ~~but, However,~~ except as
3 8 provided in the uniform commercial code, section 554.1109,
3 9 neither said headnotes nor said historical references shall be
3 10 considered as a part of the law as enacted.

3 11 Sec. 8. Section 7A.27, unnumbered paragraph 2, Code 2005,
3 12 is amended to read as follows:

3 13 When such publications, ~~except supplements to the Iowa~~
3 14 ~~administrative code,~~ paid for by public funds furnished by the
3 15 state, contain reprints of statutes or rules, or both, they
3 16 shall be sold and distributed at cost by the department
3 17 ordering the publication if the cost per publication is one
3 18 dollar or more, unless a central library or depository is
3 19 established. Such publications shall be obtained from the
3 20 director of the department of administrative services on
3 21 requisition by the department ordering the publication, and
3 22 the selling price, if any, shall be determined by the director
3 23 of the department of administrative services by dividing the
3 24 total cost of printing, paper, distribution, and binding by
3 25 the number printed. The price shall be set at the nearest
3 26 multiple of ten to the quotient thus obtained. Distribution
3 27 of such publications shall be made by the director gratis to
3 28 public officers, purchasers of licenses from state departments
3 29 required by statute, and departments. Funds from the sale of
3 30 such publications shall be deposited monthly in the general
3 31 fund of the state except the cost of distribution shall be
3 32 deposited in the printing revolving fund established in
3 33 section 8A.345. This section does not apply to the printed
3 34 versions of the official legal publications listed in section
3 35 2A.5.

4 1 Sec. 9. Section 8A.205, subsection 2, paragraph a, Code
4 2 2005, is amended to read as follows:

4 3 a. Establish standards, consistent with other state law,
4 4 for the implementation of electronic commerce, including
4 5 standards for ~~digital~~ electronic signatures, electronic
4 6 currency, and other items associated with electronic commerce.

4 7 Sec. 10. Section 8A.316, subsection 1, Code 2005, is
4 8 amended to read as follows:

4 9 1. ~~Revise~~ Develop its procedures and specifications for
4 10 the purchase of lubricating oil and industrial oil to
4 11 eliminate exclusion of recycled oils and any requirement that
4 12 oils be manufactured from virgin materials.

4 13 Sec. 11. Section 9E.12, subsection 4, Code 2005, is
4 14 amended to read as follows:

4 15 4. A certificate of a notarial act on an instrument to be
4 16 recorded must also comply with the requirements of section
4 17 ~~331.602, subsection 1~~ 331.606B.

4 18 Sec. 12. Section 12.82, subsection 4, paragraph d, Code
4 19 2005, is amended to read as follows:

4 20 d. To assure the continued solvency of any bonds secured
4 21 by the bond reserve fund, provision is made in paragraph ~~"a"~~
4 22 "c" for the accumulation in each bond reserve fund of an
4 23 amount equal to the bond reserve fund requirement for the
4 24 fund. In order further to assure maintenance of the bond
4 25 reserve funds, the treasurer shall, on or before January 1 of
4 26 each calendar year, make and deliver to the governor the
4 27 treasurer's certificate stating the sum, if any, required to
4 28 restore each bond reserve fund to the bond reserve fund
4 29 requirement for that fund. Within thirty days after the
4 30 beginning of the session of the general assembly next
4 31 following the delivery of the certificate, the governor shall
4 32 submit to both houses printed copies of a budget including the
4 33 sum, if any, required to restore each bond reserve fund to the
4 34 bond reserve fund requirement for that fund. Any sums
4 35 appropriated by the general assembly and paid to the treasurer
5 1 pursuant to this subsection shall be deposited by the
5 2 treasurer in the applicable bond reserve fund.

5 3 Sec. 13. Section 13B.9, subsection 2, Code 2005, is
5 4 amended to read as follows:

5 5 2. An attorney appointed under this section is not liable
5 6 to a person represented by the attorney for damages as a
5 7 result of a conviction in a criminal case unless the court
5 8 determines in a postconviction proceeding or on direct appeal
5 9 that the person's conviction resulted from ineffective
5 10 assistance of counsel, and the ineffective assistance of
5 11 counsel is the proximate cause of the damage. In juvenile or
5 12 civil proceedings, an attorney appointed under this section is
5 13 not liable to a person represented by the attorney for damages
5 14 unless it has been determined that the attorney has provided
5 15 ineffective assistance of counsel and the ineffective
5 16 assistance of counsel ~~claim~~ is the proximate cause of the

5 17 damage.

5 18 Sec. 14. Section 15.331C, Code 2005, is amended to read as

5 19 follows:

5 20 15.331C CORPORATE TAX CREDIT FOR CERTAIN SALES TAXES PAID

5 21 BY THIRD=PARTY DEVELOPER.

5 22 1. An eligible business or a supporting business may claim

5 23 a corporate tax credit in an amount equal to the sales and use

5 24 taxes paid by a third-party developer under ~~chapters 422 and~~

5 25 chapter 423 for gas, electricity, water, or sewer utility

5 26 services, goods, wares, or merchandise, or on services

5 27 rendered, furnished, or performed to or for a contractor or

5 28 subcontractor and used in the fulfillment of a written

5 29 contract relating to the construction or equipping of a

5 30 facility within the economic development area of the eligible

5 31 business or supporting business. Taxes attributable to

5 32 intangible property and furniture and furnishings shall not be

5 33 included, but taxes attributable to racks, shelving, and

5 34 conveyor equipment to be used in a warehouse or distribution

5 35 center shall be included. Any credit in excess of the tax

6 1 liability for the tax year may be credited to the tax

6 2 liability for the following seven years or until depleted,

6 3 whichever occurs earlier. An eligible business may elect to

6 4 receive a refund of all or a portion of an unused tax credit.

6 5 2. A third-party developer shall state under oath, on

6 6 forms provided by the department of economic development, the

6 7 amount of taxes paid as described in subsection 1 and shall

6 8 submit such forms to the department. The taxes paid shall be

6 9 itemized to allow identification of the taxes attributable to

6 10 racks, shelving, and conveyor equipment to be used in a

6 11 warehouse or distribution center. After receiving the form

6 12 from the third-party developer, the department shall issue a

6 13 tax credit certificate to the eligible business or supporting

6 14 business equal to the sales and use taxes paid by a third-

6 15 party developer under ~~chapters 422 and chapter~~ 423 for gas,

6 16 electricity, water, or sewer utility services, goods, wares,

6 17 or merchandise, or on services rendered, furnished, or

6 18 performed to or for a contractor or subcontractor and used in

6 19 the fulfillment of a written contract relating to the

6 20 construction or equipping of a facility. The department shall

6 21 also issue a tax credit certificate to the eligible business

6 22 or supporting business equal to the taxes paid and

6 23 attributable to racks, shelving, and conveyor equipment to be

6 24 used in a warehouse or distribution center. The aggregate

6 25 combined total amount of tax refunds under section 15.331A for

6 26 taxes attributable to racks, shelving, and conveyor equipment

6 27 to be used in a warehouse or distribution center and of tax

6 28 credit certificates issued by the department for the taxes

6 29 paid and attributable to racks, shelving, and conveyor

6 30 equipment to be used in a warehouse or distribution center

6 31 shall not exceed five hundred thousand dollars in a fiscal

6 32 year. If an applicant for a tax credit certificate does not

6 33 receive a certificate for the taxes paid and attributable to

6 34 racks, shelving, and conveyor equipment to be used in a

6 35 warehouse or distribution center, the application shall be

7 1 considered in succeeding fiscal years. The eligible business

7 2 or supporting business shall not claim a tax credit under this

7 3 section unless a tax credit certificate issued by the

7 4 department of economic development is attached to the

7 5 taxpayer's tax return for the tax year for which the tax

7 6 credit is claimed. A tax credit certificate shall contain the

7 7 eligible business's or supporting business's name, address,

7 8 tax identification number, the amount of the tax credit, and

7 9 other information required by the department of revenue.

7 10 Sec. 15. Section 22.1, subsection 3, Code 2005, is amended

7 11 by adding the following new unnumbered paragraph:

7 12 NEW UNNUMBERED PARAGRAPH. "Public records" also includes

7 13 all records relating to the investment of public funds

7 14 including but not limited to investment policies,

7 15 instructions, trading orders, or contracts, whether in the

7 16 custody of the public body responsible for the public funds or

7 17 a fiduciary or other third party.

7 18 Sec. 16. Section 22.7, subsection 38, paragraph a, Code

7 19 2005, is amended to read as follows:

7 20 a. Records containing information that would disclose, or

7 21 might lead to the disclosure of, private keys used in a

7 22 ~~digital or electronic~~ signature or other similar technologies

7 23 as provided in chapter 554D.

7 24 Sec. 17. Section 28M.3, unnumbered paragraph 1, Code 2005,

7 25 is amended to read as follows:

7 26 A regional transit district shall have all the rights,

7 27 powers, and duties of a county enterprise pursuant to sections

7 28 331.462 through 331.469 as they relate to the purpose for
7 29 which the regional transit district is created, including the
7 30 authority to issue revenue bonds for the establishment,
7 31 construction, reconstruction, repair, equipping, remodeling,
7 32 extension, maintenance, and operation of works, vehicles, and
7 33 facilities of a regional transit district. In addition, a
7 34 regional transit district, with the approval of the board of
7 35 supervisors, may issue general obligation bonds as an
8 1 essential county purpose pursuant to chapter 331, division IV,
8 2 part 3, for the establishment, construction, reconstruction,
8 3 repair, equipping, remodeling, extension, maintenance, and
8 4 operation of works, vehicles, and facilities of a regional
8 5 transit district. Such general obligation bonds are payable
8 6 from the property tax levy authorized in section 28M.5.

8 7 Sec. 18. Section 48A.11, subsection 8, Code 2005, is
8 8 amended to read as follows:

8 9 8. A voter registration application lacking the
8 10 registrant's name, sex, date of birth, or residence address or
8 11 description shall not be processed. A voter registration
8 12 application lacking the registrant's Iowa driver's license
8 13 number, Iowa nonoperator's identification card number, or the
8 14 last four digits of the registrant's social security number
8 15 shall not be processed. A registrant whose registration is
8 16 not processed pursuant to this subsection shall be notified
8 17 pursuant to section 48A.26, subsection 3. A registrant who
8 18 does not have an Iowa driver's license number, an Iowa
8 19 nonoperator's identification number, or a social security
8 20 number and who notifies the registrar of such shall be
8 21 assigned a unique identifying number that shall serve to
8 22 identify the registrant for voter registration purposes.

8 23 Sec. 19. Section 48A.25A, unnumbered paragraph 1, Code
8 24 2005, is amended to read as follows:

8 25 Upon receipt of an application for voter registration by
8 26 mail, the state registrar of voters shall compare the Iowa
8 27 driver's license number, the Iowa nonoperator's identification
8 28 card number, or the last four numerals of the social security
8 29 number provided by the registrant with the records of the
8 30 state department of transportation. To be verified, the voter
8 31 registration record shall contain the same name, date of
8 32 birth, and Iowa driver's license number or Iowa nonoperator's
8 33 identification card number or whole or partial social security
8 34 number as the records of the state department of
8 35 transportation. If the information cannot be verified, the
9 1 application shall be rejected and the registrant shall be
9 2 notified of the reason for the rejection. If the information
9 3 can be verified, a record shall be made of the verification
9 4 and the application shall be accepted.

9 5 Sec. 20. Section 48A.38, subsection 1, paragraph f, Code
9 6 2005, is amended to read as follows:

9 7 f. The county commissioner of registration and the state
9 8 registrar of voters shall remove a voter's whole or partial
9 9 social security number, as applicable, Iowa driver's license
9 10 number, or Iowa nonoperator's identification card number from
9 11 a voter registration list prepared pursuant to this section.

9 12 Sec. 21. Section 50.20, Code 2005, is amended to read as
9 13 follows:

9 14 50.20 NOTICE OF NUMBER OF PROVISIONAL BALLOTS.

9 15 The commissioner shall compile a list of the number of
9 16 provisional ballots cast under section 49.81 in each precinct.
9 17 The list shall be made available to the public as soon as
9 18 possible, but in no case later than nine o'clock a.m. on the
9 19 second day following the election. Any elector may examine
9 20 the list during normal office hours, and may also examine the
9 21 affidavit envelopes bearing the ballots of challenged electors
9 22 until the reconvening of the special precinct board as
9 23 required by this chapter. Only those persons so permitted by
9 24 section 53.23, subsection 4, shall have access to the
9 25 affidavits while that board is in session. Any elector may
9 26 present written statements or documents, supporting or
9 27 opposing the counting of any ~~special~~ provisional ballot, at
9 28 the commissioner's office until the reconvening of the special
9 29 precinct board.

9 30 Sec. 22. Section 50.22, unnumbered paragraphs 1 through 3,
9 31 Code 2005, are amended to read as follows:

9 32 Upon being reconvened, the special precinct election board
9 33 shall review the information upon the envelopes bearing the
9 34 ~~special~~ provisional ballots, and all evidence submitted in
9 35 support of or opposition to the right of each challenged
10 1 person to vote in the election. The board may divide itself
10 2 into panels of not less than three members each in order to
10 3 hear and determine two or more challenges simultaneously, but

10 4 each panel shall meet the requirements of section 49.12 as
10 5 regards political party affiliation of the members of each
10 6 panel.

10 7 The decision to count or reject each ballot shall be made
10 8 upon the basis of the information given on the envelope
10 9 containing the ~~special~~ provisional ballot, the evidence
10 10 concerning the challenge, the registration and the returned
10 11 receipts of registration.

10 12 If a ~~special~~ provisional ballot is rejected, the person
10 13 casting the ballot shall be notified by the commissioner
10 14 within ten days of the reason for the rejection, on the form
10 15 prescribed by the state commissioner pursuant to section
10 16 53.25, and the envelope containing the ~~special~~ provisional
10 17 ballot shall be preserved unopened and disposed of in the same
10 18 manner as spoiled ballots. The ~~special~~ provisional ballots
10 19 which are accepted shall be counted in the manner prescribed
10 20 by section 53.24. The commissioner shall make public the
10 21 number of ~~special~~ provisional ballots rejected and not
10 22 counted, at the time of the canvass of the election.

10 23 Sec. 23. Section 53.23, subsections 5 and 6, Code 2005,
10 24 are amended to read as follows:

10 25 5. The special precinct election board shall preserve the
10 26 secrecy of all absentee and ~~special~~ provisional ballots.
10 27 After the affidavits on the envelopes have been reviewed and
10 28 the qualifications of the persons casting the ballots have
10 29 been determined, those that have been accepted for counting
10 30 shall be opened. The ballots shall be removed from the
10 31 affidavit envelopes without being unfolded or examined, and
10 32 then shall be thoroughly intermingled, after which they shall
10 33 be unfolded and tabulated. If secrecy folders or envelopes
10 34 are used with ~~special~~ provisional paper ballots, the ballots
10 35 shall be removed from the secrecy folders after the ballots
11 1 have been intermingled.

11 2 6. The special precinct election board shall not release
11 3 the results of its tabulation on election day until all of the
11 4 ballots it is required to count on that day have been counted,
11 5 nor release the tabulation of ~~challenged~~ provisional ballots
11 6 accepted and counted under chapter 50 until that count has
11 7 been completed.

11 8 Sec. 24. Section 53.24, Code 2005, is amended to read as
11 9 follows:

11 10 53.24 COUNTIES USING VOTING MACHINES.

11 11 In counties which provide the special precinct election
11 12 board with voting machines, the absentee ballot envelopes
11 13 shall be opened by the board and the ballots shall, without
11 14 being unfolded, be thoroughly intermingled, after which they
11 15 shall be unfolded and, under the personal supervision of
11 16 precinct election officials of each of the political parties,
11 17 be registered on voting machines the same as if the absent
11 18 voter had been present and voted in person, except that a
11 19 tally of the write-in votes may be kept in the tally list
11 20 rather than on the machine. When two or more political
11 21 subdivisions in the county are holding separate elections
11 22 simultaneously, the commissioner may arrange the machine so
11 23 that the absentee and ~~special~~ provisional ballots for more
11 24 than one election may be recorded on the same machine.

11 25 Sec. 25. Section 53.31, unnumbered paragraph 2, Code 2005,
11 26 is amended to read as follows:

11 27 The commissioner shall immediately send a written notice to
11 28 the elector whose qualifications have been challenged. The
11 29 notice shall be sent to the address at which the challenged
11 30 elector is registered to vote. If the ballot was mailed to
11 31 the challenged elector, the notice shall also be sent to the
11 32 address to which the ballot was mailed if it is different from
11 33 the elector's registration address. The notice shall advise
11 34 the elector of the reason for the challenge, the date and time
11 35 that the special precinct election board will reconvene to
12 1 determine challenges, and that the elector has the right to
12 2 submit written evidence of the elector's qualifications. The
12 3 notice shall include the telephone number of the
12 4 commissioner's office. If the commissioner has access to a
12 5 facsimile machine, the notice shall include the telephone
12 6 number of the facsimile machine. As far as possible, other
12 7 procedures for considering ~~special~~ provisional ballots shall
12 8 be followed.

12 9 Sec. 26. Section 85.34, subsection 2, unnumbered paragraph
12 10 2, Code 2005, is amended to read as follows:

12 11 v. If it is determined that an injury has produced a
12 12 disability less than that specifically described in ~~said the~~
12 13 schedule described in paragraphs "a" through "t", compensation
12 14 shall be paid during the lesser number of weeks of disability

12 15 determined, as will not exceed a total amount equal to the
12 16 same percentage proportion of said scheduled maximum
12 17 compensation.

12 18 Sec. 27. Section 97.51, subsection 1, paragraphs b and c,
12 19 Code 2005, are amended to read as follows:

12 20 b. Under the direction of the ~~department system~~ and as
12 21 designated by the ~~department system~~, invest such portion of
12 22 said trust funds as are not needed for current payment of
12 23 benefits, in interest-bearing securities issued by the United
12 24 States, or interest-bearing bonds issued by the state of Iowa,
12 25 or bonds issued by counties, school districts or general
12 26 obligations or limited levy bonds issued by municipal
12 27 corporations in this state as authorized by law; also to sell
12 28 and dispose of same when needed for the payment of benefits.

12 29 c. To disburse the trust funds upon warrants drawn by the
12 30 director of the department of administrative services pursuant
12 31 to the order of the ~~Iowa public employees' retirement system~~
12 32 ~~created in section 97B.1.~~

12 33 Sec. 28. Section 97.51, subsections 2, 3, 4, and 6, Code
12 34 2005, are amended to read as follows:

12 35 2. All moneys which are paid or deposited into this fund
13 1 are hereby appropriated and made available to the ~~department~~
13 2 ~~system~~ to be used only for the purposes herein provided:

13 3 a. To be used by the ~~department system~~ for the payment of
13 4 claims for benefits.

13 5 b. To be used by the ~~department system~~ for the payment in
13 6 accordance with any agreement with the federal social security
13 7 administration of amounts required to obtain retroactive
13 8 federal social security coverage of Iowa public employees,
13 9 dating from January 1, 1951, and for the payment of refunds
13 10 which were authorized by the provisions of section 97.7, Code
13 11 1950, and for the payment of such other refunds to employees
13 12 as may be authorized by the general assembly, and such other
13 13 purposes as may be authorized by the general assembly.

13 14 3. The ~~Iowa public employees' retirement system created in~~
13 15 ~~section 97B.1~~ shall administer the Iowa old-age and survivors'
13 16 insurance liquidation fund and shall also administer all other
13 17 provisions of this chapter.

13 18 4. Any public employee subject to coverage under the
13 19 provisions of chapter 97, Code 1950, as amended, in public
13 20 service as of June 30, 1953, and who has not applied for and
13 21 qualified for benefit payments under the provisions of chapter
13 22 97, Code 1950, as amended, who had contributed to the Iowa
13 23 old-age and survivors' insurance fund prior to the repeal of
13 24 said chapter 97, as amended, shall be entitled to a refund of
13 25 contributions paid into the Iowa old-age and survivors'
13 26 insurance fund by such employee without interest, but there
13 27 shall be deducted from the amount of any such refund any
13 28 amount which has been or will be paid in the employee's behalf
13 29 as the employee's contribution as an employee to obtain
13 30 retroactive federal social security coverage. Any former
13 31 public employee not in public service as of June 30, 1953, who
13 32 has contributed to the Iowa old-age and survivors' insurance
13 33 fund, the employee's beneficiaries or estate, when no benefit
13 34 has been paid under chapter 97, Code 1950, based upon such
13 35 employee's prior record, shall be entitled to a refund of
14 1 seventy-five percent of all contributions paid by the employee
14 2 into said fund, without interest. The ~~department system~~ shall
14 3 prescribe rules in regard to the granting of such refunds. In
14 4 the event of such refund any individual receiving the same
14 5 shall be deemed to have waived any and all rights in behalf of
14 6 the individual or any beneficiary or the individual's estate
14 7 to further benefits under the provisions of chapter 97, Code
14 8 1950, as amended.

14 9 6. In the payment of any benefits in the future, as a
14 10 result of the provisions of chapter 97, Code 1950, as amended,
14 11 the ~~department system~~ shall follow the same procedure as
14 12 provided by said chapter 97, as amended, as though said
14 13 chapter had not been repealed, except the requirements of
14 14 section 97.21, subsection 4, paragraph "a", and 97.21,
14 15 subsection 5, shall not be applicable, but no primary benefit,
14 16 based upon employment prior to June 30, 1953, shall be paid to
14 17 any individual for any month during which the individual
14 18 receives compensation for work in any position which would
14 19 have been subject to coverage under the provisions of said
14 20 chapter 97, as amended, if the individual's earnings for such
14 21 month exceed one hundred dollars, nor shall any benefit be
14 22 paid to a wife or dependent of such employee for such months,
14 23 except that after a retired member reaches the age of seventy=
14 24 two years, the member, the member's wife and dependents shall
14 25 be entitled to the benefits of this chapter regardless of the

14 26 amount earned.

14 27 Sec. 29. Section 97B.49C, subsection 1, paragraph c, Code
14 28 2005, is amended to read as follows:

14 29 c. "Eligible service" means membership and prior service
14 30 as a sheriff ~~and or~~ deputy sheriff under this section. In
14 31 addition, eligible service includes membership and prior
14 32 service as a marshal in a city not covered under chapter 400
14 33 or a fire fighter or police officer of a city not
14 34 participating in the retirement systems established in chapter
14 35 410 or 411, and as an airport fire fighter prior to July 1,
15 1 1994.

15 2 Sec. 30. Section 99B.7, subsection 3, paragraph a, Code
15 3 2005, is amended to read as follows:

15 4 a. A person wishing to conduct games and raffles pursuant
15 5 to this section as a qualified organization shall submit an
15 6 application and a license fee of one hundred fifty dollars.
15 7 The annual license fee for a statewide raffle license shall be
15 8 one hundred fifty dollars. However, upon submission of an
15 9 application accompanied by a license fee of fifteen dollars, a
15 10 person may be issued a limited license to conduct all games
15 11 and raffles pursuant to this section at a specified location
15 12 and during a specified period of fourteen consecutive calendar
15 13 days, except that a bingo occasion may only be conducted once
15 14 per each seven consecutive calendar days of the specified
15 15 period. In addition, a qualified organization may be issued a
15 16 limited license to conduct raffles pursuant to this section
15 17 for a period of ninety days for a license fee of forty dollars
15 18 or for a period of one hundred eighty days for a license fee
15 19 of seventy-five dollars. For the purposes of this paragraph,
15 20 a limited license is deemed to be issued on the first day of
15 21 the period for which the license is issued.

15 22 Sec. 31. Section 99D.24, subsection 3, Code 2005, is
15 23 amended to read as follows:

15 24 3. A person wagering or accepting a wager at any location
15 25 outside the ~~betting enclosure~~ wagering area is subject to the
15 26 penalties in section 725.7.

15 27 Sec. 32. Section 135.144, subsection 11, Code 2005, is
15 28 amended to read as follows:

15 29 11. If a public health disaster or other public health
15 30 emergency situation exists which poses an imminent threat to
15 31 the public health, safety, and welfare, the department, in
15 32 conjunction with the governor, may provide financial
15 33 assistance, from funds appropriated to the department that are
15 34 not otherwise encumbered, to political subdivisions as needed
15 35 to alleviate the disaster or the emergency. If the department
16 1 does not have sufficient ~~encumbered~~ unencumbered funds, the
16 2 governor may request that the executive council, pursuant to
16 3 the authority of section 7D.29, commit sufficient funds, up to
16 4 one million dollars, that are not otherwise encumbered from
16 5 the general fund, as needed and available, for the disaster or
16 6 the emergency. If additional financial assistance is required
16 7 in excess of one million dollars, approval by the legislative
16 8 council is also required.

16 9 Sec. 33. Section 136A.5, subsection 3, Code 2005, is
16 10 amended to read as follows:

16 11 3. This section does not apply if ~~the~~ a parent objects to
16 12 the screening. If a parent objects to the screening of a
16 13 newborn, the attending health care provider shall document the
16 14 refusal in the newborn's medical record and shall obtain a
16 15 written refusal from the parent and report the refusal to the
16 16 department as provided by rule of the department.

16 17 Sec. 34. Section 166.1, subsection 3, Code 2005, is
16 18 amended to read as follows:

16 19 3. "Manufacturer" includes every person engaged in the
16 20 preparation, at any stage of the process, of biological
16 21 products, except those engaged in such preparation ~~in the~~
16 22 ~~biological laboratory in the Iowa State University of science~~
16 23 ~~and technology, or in any other state or governmental~~
16 24 institution.

16 25 Sec. 35. Section 174.15, Code 2005, is amended to read as
16 26 follows:

16 27 174.15 PURCHASE AND MANAGEMENT.

16 28 Title to land purchased or received for purposes of
16 29 conducting a fair event shall be taken in the name of the
16 30 county or a fair. However, the board of supervisors shall
16 31 place the land under the control and management of a fair.
16 32 The fair may act as agent for the county in the erection of
16 33 buildings, and maintenance of the fairgrounds, including the
16 34 buildings and improvements constructed on the grounds. Title
16 35 to new buildings or improvements shall be taken in the name of
17 1 the county or a fair. However, the county is not liable for

17 2 the improvements or expenditures for them.

17 3 Sec. 36. Section 225C.42, subsection 2, paragraph c, Code
17 4 2005, is amended to read as follows:

17 5 c. An analysis of the extent to which payments enabled
17 6 children to remain in their homes. The analysis shall include
17 7 but is not limited to all of the following items concerning
17 8 children affected by the payments: the number and percentage
17 9 of children who remained with their families; the number and
17 10 percentage of children who returned to their home from an out=
17 11 of-home placement and the type of placement from which the
17 12 children returned; and the number of children who received an
17 13 out-of-home placement during the ~~fiscal year~~ period and the
17 14 type of placement.

17 15 Sec. 37. Section 235A.15, subsection 2, paragraph d,
17 16 subparagraph (3), Code 2005, is amended to read as follows:

17 17 (3) To a court or ~~administrative agency~~ the department
17 18 hearing an appeal for correction of report data and
17 19 disposition data as provided in section 235A.19.

17 20 Sec. 38. Section 257.11, subsection 4, paragraph c, Code
17 21 2005, is amended by striking the paragraph.

17 22 Sec. 39. Section 284.12, subsections 2 and 4, Code 2005,
17 23 are amended to read as follows:

17 24 2. The report shall be made available to the chairpersons
17 25 and ranking members of the senate and house committees on
17 26 education, ~~the legislative education accountability and~~
17 27 ~~oversight committee~~, the deans of the colleges of education at
17 28 approved practitioner preparation institutions in this state,
17 29 the state board, the governor, and school districts by January
17 30 1. School districts shall provide information as required by
17 31 the department for the compilation of the report and for
17 32 accounting and auditing purposes.

17 33 4. In developing administrative rules for consideration by
17 34 the state board, the department shall consult with persons
17 35 representing teachers, administrators, school boards, approved
18 1 practitioner preparation institutions, and other appropriate
18 2 education stakeholders, ~~and the legislative education~~
18 3 ~~accountability and oversight committee~~.

18 4 Sec. 40. Section 321.69, subsection 3, Code 2005, is
18 5 amended to read as follows:

18 6 3. The damage disclosure statement shall be provided by
18 7 the transferor to the transferee at or before the time of
18 8 sale. If the transferor is not a resident of this state or if
18 9 the transferee acquired the vehicle by operation of law as
18 10 provided in section 321.47, the transferee shall not be
18 11 required to submit a damage disclosure statement from the
18 12 transferor with the transferee's application for title unless
18 13 the state of the transferor's residence requires a damage
18 14 disclosure statement. However, the transferee shall submit a
18 15 damage disclosure statement with the transferee's application
18 16 for title indicating whether a salvage, rebuilt, or flood
18 17 title had ever existed for the vehicle, and if not, whether
18 18 the vehicle was damaged to the extent that it was a wrecked or
18 19 salvage vehicle as defined in section 321.52, subsection 4,
18 20 paragraph "d", during or prior to the transferor's ownership
18 21 of the vehicle, and the year, make, and vehicle identification
18 22 number of the motor vehicle. The transferee shall not be
18 23 required to indicate whether the vehicle was damaged to the
18 24 extent that it was a wrecked or salvage vehicle as defined in
18 25 section 321.52, subsection 4, paragraph "d", under this
18 26 subsection if the transferor's certificate of title is from
18 27 another state and if it indicates that the vehicle is salvaged
18 28 and not rebuilt or is another state's salvage certificate of
18 29 title.

18 30 Sec. 41. Section 321.69, subsection 9, Code 2005, is
18 31 amended to read as follows:

18 32 9. Except for subsections 10 and 11, this section does not
18 33 apply to motor trucks and truck tractors with a gross vehicle
18 34 weight rating of sixteen thousand pounds or more, vehicles
18 35 more than seven model years old, motorcycles, motorized
19 1 bicycles, and special mobile equipment. This section does
19 2 apply to motor homes. The requirement in subsection 1 that
19 3 the new certificate of title and registration receipt shall
19 4 state on the face of the title whether a prior owner had
19 5 disclosed that the vehicle was damaged to the extent that it
19 6 was a wrecked or salvage vehicle as defined in section 321.52,
19 7 subsection 4, paragraph "d", does not apply to a vehicle with
19 8 a certificate of title bearing a designation that the vehicle
19 9 was previously titled on a salvage certificate of title
19 10 pursuant to section 321.52, subsection 4, paragraph "b", or to
19 11 a vehicle with a certificate of title bearing a "REBUILT" or
19 12 "SALVAGE" designation pursuant to section 321.24, subsection 4

19 13 or 5. Except for subsections 10 and 11, this section does not
19 14 apply to new motor vehicles with a true mileage, as defined in
19 15 section 321.71, of one thousand miles or less, unless such
19 16 vehicle has incurred damage as ~~defined~~ described in subsection
19 17 2.

19 18 Sec. 42. Section 322.10, Code 2005, is amended to read as
19 19 follows:

19 20 322.10 JUDICIAL REVIEW.

19 21 Judicial review of actions of the department may be sought
19 22 in accordance with the terms of the Iowa administrative
19 23 procedure Act, chapter 17A. The petitioner shall file with
19 24 the clerk a bond for the use of the respondent, with sureties
19 25 approved by ~~such the~~ clerk and in an amount fixed by the
19 26 clerk, ~~provided in.~~ In no case shall the bond be less than
19 27 fifty dollars, conditioned. All bonds shall include the
19 28 condition that the petitioner shall perform the orders of the
19 29 court.

19 30 Sec. 43. Section 331.260, subsection 2, unnumbered
19 31 paragraph 2, Code 2005, is amended to read as follows:

19 32 The question of forming a community commonwealth shall be
19 33 submitted to the electorate in substantially the same ~~manner~~
19 34 form as provided in section ~~331.247, subsection 4, and section~~
19 35 ~~331.252.~~ The effective date of the charter and election of
20 1 new officers of the community commonwealth shall be as
20 2 provided in section 331.247, subsection 5.

20 3 Sec. 44. Section 331.506, subsection 1, paragraphs b and
20 4 d, Code 2005, are amended to read as follows:

20 5 b. The auditor shall not issue a warrant to a drawee until
20 6 the auditor has transmitted to the treasurer a list of the
20 7 warrants to be issued. The list shall include the date,
20 8 amount, and number of the warrant, name of the person to whom
20 9 the warrant is issued, and the purpose for which the warrant
20 10 is issued. The treasurer shall acknowledge receipt of the
20 11 list by affixing the treasurer's signature at the bottom of
20 12 the list and immediately returning the list to the auditor.
20 13 The requirement that the treasurer sign to acknowledge receipt
20 14 of the list is satisfied by use of a ~~digital signature or~~
20 15 ~~other~~ secure electronic signature if the county auditor and
20 16 treasurer have complied with the applicable provisions of
20 17 chapter 554D.

20 18 d. The requirement that the county auditor sign a warrant
20 19 is satisfied by use of a ~~digital signature or other~~ secure
20 20 electronic signature if the county auditor has complied with
20 21 the applicable provisions of chapter 554D.

20 22 Sec. 45. Section 331.512, subsection 10, Code 2005, is
20 23 amended to read as follows:

20 24 10. Furnish the assessor a plat book which is platted with
20 25 the lands and lots within the assessment district as provided
20 26 in section 441.29. ~~The auditor, with the approval of the~~
20 27 ~~board of supervisors, may establish a permanent real estate~~
20 28 ~~index number system as provided in section 441.29.~~

20 29 Sec. 46. Section 354.1, subsection 3, Code 2005, is
20 30 amended to read as follows:

20 31 3. To provide for statewide, uniform procedures and
20 32 standards for the platting of land while allowing the widest
20 33 possible latitude for cities and counties to establish and
20 34 enforce ordinances regulating the division and use of land,
20 35 within the scope of, but not limited to, chapters 331, 335,
21 1 364, 414, and this chapter. All documents presented for
21 2 recording pursuant to this chapter shall comply with section
21 3 ~~331.602, subsection 1~~ 331.606B.

21 4 Sec. 47. Section 354.4, subsection 2, Code 2005, is
21 5 amended to read as follows:

21 6 2. The auditor ~~may~~ shall note a permanent real estate
21 7 index number upon each parcel shown on a plat of survey
21 8 according to section 441.29 for real estate tax administration
21 9 purposes. The surveyor shall not assign parcel letters or
21 10 prepare a metes and bounds description for any parcel shown on
21 11 a plat of survey unless the parcel was surveyed by the
21 12 surveyor in compliance with chapter 355. Parcels within a
21 13 plat of survey prepared pursuant to this section are subject
21 14 to the regulations and ordinances of the governing body.

21 15 Sec. 48. Section 354.5, subsection 5, Code 2005, is
21 16 amended to read as follows:

21 17 5. A description by reference to a permanent real estate
21 18 index number is valid for the purpose of assessment and
21 19 taxation ~~when a county has established a~~ under the permanent
21 20 real estate index number system pursuant to section 441.29.

21 21 Sec. 49. Section 354.27, Code 2005, is amended to read as
21 22 follows:

21 23 354.27 NOTING THE PERMANENT REAL ESTATE INDEX NUMBER.

21 24 When a permanent real estate index number system ~~has been~~
21 25 is established by a county pursuant to section 441.29, the
21 26 auditor ~~may shall~~ note the permanent real estate index number
21 27 on every conveyance.

21 28 Sec. 50. Section 368.7, subsection 1, paragraphs a and d,
21 29 Code 2005, are amended to read as follows:

21 30 a. All of the owners of land in a territory adjoining a
21 31 city may apply in writing to the council of the adjoining city
21 32 requesting annexation of the territory. Territory comprising
21 33 railway right-of-way or territory comprising not more than
21 34 twenty percent of the land area may be included in the
21 35 application without the consent of the owner to avoid creating
22 1 an island or to create more uniform boundaries. Public land
22 2 may be included in the territory to be annexed. However, the
22 3 area of the territory that is public land included without the
22 4 written consent of the agency with jurisdiction over the
22 5 public land ~~may shall~~ not be used to determine the percentage
22 6 of territory that is included with the consent of the owner
22 7 and without the consent of the owner.

22 8 d. The city shall provide for a public hearing on the
22 9 application before approving or denying it. The city shall
22 10 provide written notice at least fourteen business days prior
22 11 to any action by the city council regarding the application,
22 12 including a public hearing, by regular mail to the chairperson
22 13 of the board of supervisors of each county which contains a
22 14 portion of the territory proposed to be annexed, each public
22 15 utility which serves the territory proposed to be annexed,
22 16 each owner of property located within the territory to be
22 17 annexed who is not a party to the application, and each owner
22 18 of property that adjoins the territory to be annexed unless
22 19 the adjoining property is in a city. The city shall publish
22 20 notice of the application and public hearing on the
22 21 application in an official county newspaper in each county
22 22 which contains a portion of the territory proposed to be
22 23 annexed. Both the written and published notice shall include
22 24 the time and place of the public hearing and a legal
22 25 description of the territory to be annexed. The city ~~may~~
22 26 shall not assess the costs of providing notice as required in
22 27 this section to the applicants.

22 28 Sec. 51. Section 368.25, Code 2005, is amended to read as
22 29 follows:

22 30 368.25 FAILURE TO PROVIDE MUNICIPAL SERVICES.

22 31 Prior to expiration of the three-year period established in
22 32 section 368.11, subsection ~~14~~ 3, paragraph "n", the annexing
22 33 city shall submit a report to the board describing the status
22 34 of the provision of municipal services identified in the plan
22 35 required in section 368.11, subsection ~~14~~ 3, paragraph "n".

23 1 If a city fails to provide municipal services, or fails to
23 2 show substantial and continuing progress in the provision of
23 3 municipal services, to territory involuntarily annexed,
23 4 according to the plan for extending municipal services filed
23 5 pursuant to section 368.11, subsection ~~14~~ 3, paragraph "n",
23 6 within the time period specified in that subsection, the city
23 7 development board may initiate proceedings to sever the
23 8 annexed territory from the city. The board shall notify the
23 9 city of the severance proceedings and shall hold a public
23 10 hearing on the proposed severance. The board shall give
23 11 notice of the hearing in the same manner as notice of a public
23 12 meeting in section 368.11. The board may order severance of
23 13 all or a portion of the territory and the order to sever is
23 14 not subject to approval at an election. A city may request
23 15 that the board allow up to an additional three years to
23 16 provide municipal services if good cause is shown. As an
23 17 alternative to severance of the territory, the board may
23 18 impose a moratorium on additional annexation by the city until
23 19 the city complies with its plan for extending municipal
23 20 services. For purposes of this section, "municipal services"
23 21 means services included in the plan required by section
23 22 368.11, subsection ~~14~~ 3, paragraph "n", for extending
23 23 municipal services.

23 24 Sec. 52. Section 421.17, subsection 27, paragraph a, Code
23 25 2005, is amended to read as follows:

23 26 a. To establish, administer, and make available a
23 27 centralized debt collection capability and procedure for the
23 28 use by any state agency as defined in ~~former subsection 29~~
23 29 section 8A.504 to collect delinquent accounts, charges, fees,
23 30 loans, taxes, or other indebtedness owed to or being collected
23 31 by the state. The department's collection facilities shall
23 32 only be available for use by other state agencies for their
23 33 discretionary use when resources are available to the director
23 34 and subject to the director's determination that use of the

23 35 procedure is feasible. The director shall prescribe the
24 1 appropriate form and manner in which this information is to be
24 2 submitted to the office of the department. The obligations or
24 3 indebtedness must be delinquent and not subject to litigation,
24 4 claim, appeal, or review pursuant to the appropriate remedies
24 5 of each state agency.

24 6 Sec. 53. Section 422.7, subsection 34, Code 2005, is
24 7 amended by striking the subsection.

24 8 Sec. 54. Section 422.35, subsection 14, Code 2005, is
24 9 amended by striking the subsection.

24 10 Sec. 55. Section 423.33, subsection 3, Code 2005, is
24 11 amended to read as follows:

24 12 3. EVENT SPONSOR'S LIABILITY FOR SALES TAX. A person
24 13 sponsoring a flea market or a craft, antique, coin, or stamp
24 14 show or similar event shall obtain from every retailer selling
24 15 tangible personal property or taxable services at the event
24 16 proof that the retailer possesses a valid sales tax permit or
24 17 secure from the retailer a statement, taken in good faith,
24 18 that property or services offered for sale are not subject to
24 19 sales tax. Failure to do so renders a sponsor of the event
24 20 liable for payment of any sales tax, interest, and penalty due
24 21 and owing from any retailer selling property or services at
24 22 the event. Sections 423.31, 423.32, 423.37, 423.38, 423.39,
24 23 423.40, 423.41, and 423.42 apply to the sponsors. For
24 24 purposes of this subsection, a person sponsoring a flea market
24 25 or a craft, antique, coin, or stamp show or similar event does
24 26 not include an organization which sponsors an event less than
24 27 three times a year or ~~a the state, county, or district~~
~~24 28 agricultural fair or a fair as defined in section 174.1.~~

24 29 Sec. 56. Section 441.39, Code 2005, is amended to read as
24 30 follows:

24 31 441.39 TRIAL ON APPEAL.

24 32 The court shall hear the appeal in equity and determine
24 33 anew all questions arising before the board which relate to
24 34 the liability of the property to assessment or the amount
24 35 thereof. The court shall consider all of the evidence and
25 1 there shall be no presumption as to the correctness of the
25 2 valuation ~~of or~~ assessment appealed from. Its decision shall
25 3 be certified by the clerk of the court to the county auditor,
25 4 and the assessor, who shall correct the assessment books
25 5 accordingly.

25 6 Sec. 57. Section 455B.174, subsection 4, paragraph e, Code
25 7 2005, is amended to read as follows:

25 8 e. If a public water supply has a groundwater source that
25 9 contains petroleum, a fraction of crude oil, or their
25 10 degradation products, or is located in an area deemed by the
25 11 department as likely to be contaminated by such materials, and
25 12 after consultation with the public water supply system and
25 13 consideration of all applicable rules relating to remediation,
25 14 the department may require the public water supply system to
25 15 replace that groundwater source in order to receive a permit
25 16 to operate. The requirement to replace the source shall only
25 17 be made by the department if the public water supply system is
25 18 fully compensated for any additional design, construction,
25 19 operation, and monitoring costs from the Iowa comprehensive
25 20 petroleum underground storage tank fund created by chapter
25 21 455G or from any other funds that do not impose a financial
25 22 obligation on the part of the public water supply system.
25 23 Funds available to or provided by the public water supply
25 24 system may be used for system improvements made in conjunction
25 25 with replacement of the source. The department cannot require
25 26 a public water supply system to replace its water source with
25 27 a less reliable water source or with a source that does not
25 28 meet federal primary, secondary, or other health-based
25 29 standards unless treatment is provided to ensure that the
25 30 drinking water meets these standards. Nothing in this
25 31 paragraph shall affect the public water ~~supply's supply~~
~~25 32 system's~~ right to pursue recovery from a responsible party.

25 33 Sec. 58. Section 455B.751, subsection 7, Code 2005, is
25 34 amended to read as follows:

25 35 7. "Third party" means any person other than a person that
26 1 holds indicia of title to property ~~as identified in section~~
~~26 2 455B.752, subsection 1,~~ or that has acquired property as
26 3 identified in section 455B.752, ~~subsection 2.~~

26 4 Sec. 59. Section 455G.2, subsection 6, Code 2005, is
26 5 amended to read as follows:

26 6 6. "Claimant" means an owner or operator who has received
26 7 assistance under the remedial account or who ~~has had~~ coverage
26 8 under the underground storage tank insurance fund, established
~~26 9 in section 455G.11, Code 2003,~~ with respect to a release, or
26 10 an installer or inspector who ~~has had~~ coverage under the

26 11 underground storage tank insurance fund.
26 12 Sec. 60. Section 455G.2, subsection 15, Code 2005, is
26 13 amended by striking the subsection.
26 14 Sec. 61. Section 455G.3, subsection 1, Code 2005, is
26 15 amended to read as follows:
26 16 1. The Iowa comprehensive petroleum underground storage
26 17 tank fund is created as a separate fund in the state treasury,
26 18 and any funds remaining in the fund at the end of each fiscal
26 19 year shall not revert to the general fund but shall remain in
26 20 the Iowa comprehensive petroleum underground storage tank
26 21 fund. Interest or other income earned by the fund shall be
26 22 deposited in the fund. The fund shall include moneys credited
26 23 to the fund under this section, section 423.43, subsection 1,
26 24 paragraph "a", and sections 455G.8, 455G.9, and 455G.11, Code
26 25 2003, and other funds which by law may be credited to the
26 26 fund. The moneys in the fund are appropriated to and for the
26 27 purposes of the board as provided in this chapter. Amounts in
26 28 the fund shall not be subject to appropriation for any other
26 29 purpose by the general assembly, but shall be used only for
26 30 the purposes set forth in this chapter. The treasurer of
26 31 state shall act as custodian of the fund and disburse amounts
26 32 contained in it as directed by the board including automatic
26 33 disbursements of funds as received pursuant to the terms of
26 34 bond indentures and documents and security provisions to
26 35 trustees and custodians. The treasurer of state is authorized
27 1 to invest the funds deposited in the fund at the direction of
27 2 the board and subject to any limitations contained in any
27 3 applicable bond proceedings. The income from such investment
27 4 shall be credited to and deposited in the fund. The fund
27 5 shall be administered by the board which shall make
27 6 expenditures from the fund consistent with the purposes of the
27 7 programs set out in this chapter without further
27 8 appropriation. The fund may be divided into different
27 9 accounts with different depositories as determined by the
27 10 board and to fulfill the purposes of this chapter.
27 11 Sec. 62. Section 455G.3, subsection 3, paragraph c, Code
27 12 2005, is amended by striking the paragraph.
27 13 Sec. 63. Section 455G.4, subsection 1, paragraph e, Code
27 14 2005, is amended to read as follows:
27 15 e. Two owners or operators appointed by the governor. One
27 16 of the owners or operators appointed pursuant to this
27 17 paragraph shall have been a petroleum systems insured through
27 18 the underground storage tank insurance fund as it existed on
27 19 June 30, 2004, or a successor to the underground storage tank
27 20 insurance fund and shall have been an insured through the
27 21 insurance account of the comprehensive petroleum underground
27 22 storage tank fund on or before October 26, 1990. One of the
27 23 owners or operators appointed pursuant to this paragraph shall
27 24 be self-insured.
27 25 Sec. 64. Section 455G.4, subsection 3, paragraph a, Code
27 26 2005, is amended to read as follows:
27 27 a. The board shall adopt rules regarding its practice and
27 28 procedures, develop underwriting standards, ~~establish premiums~~
27 29 ~~for insurance fund coverage and risk factors~~, procedures for
27 30 investigating and settling claims made against the fund,
27 31 ~~determine appropriate deductibles or retentions in coverages~~
27 32 ~~or benefits offered~~, and otherwise implement and administer
27 33 this chapter.
27 34 Sec. 65. Section 455G.4, subsection 3, paragraphs d and e,
27 35 Code 2005, are amended by striking the paragraphs.
28 1 Sec. 66. Section 455G.13, subsection 2, paragraph b, Code
28 2 2005, is amended to read as follows:
28 3 b. An owner or operator's liability for a release for
28 4 which coverage is admitted under the underground storage tank
28 5 insurance fund established in section 455G.11, Code 2003,
28 6 shall not exceed the amount of the deductible.
28 7 Sec. 67. Section 455G.13, subsection 12, Code 2005, is
28 8 amended to read as follows:
28 9 12. RECOVERY OR SUBROGATION == INSTALLERS AND INSPECTORS.
28 10 Notwithstanding any other provision contained in this chapter,
28 11 the board or a person insured under the underground storage
28 12 tank insurance fund, established in section 455G.11, Code
28 13 2003, has no right of recovery or right of subrogation against
28 14 an installer or an inspector who was insured by the
28 15 underground storage tank insurance fund for the tank giving
28 16 rise to the liability other than for recovery of any
28 17 deductibles paid.
28 18 Sec. 68. Section 455G.14, Code 2005, is amended to read as
28 19 follows:
28 20 455G.14 FUND NOT SUBJECT TO REGULATION.
28 21 The fund, ~~including but not limited to insurance coverage~~

~~28 22 offered by the insurance fund, is not subject to regulation~~
28 23 under chapter 502 or Title XIII, subtitle 1.
28 24 Sec. 69. Section 455G.17, subsection 3, Code 2005, is
28 25 amended to read as follows:
28 26 3. The board shall adopt approved curricula for training
28 27 persons to install underground storage tanks ~~in such a manner~~
~~28 28 that the resulting installation may be certified under section~~
~~28 29 455G.11, subsection 10, and provide fire safety and~~
28 30 environmental protection guidelines for persons removing
28 31 tanks.
28 32 Sec. 70. Section 488.108, subsection 4, paragraph b, Code
28 33 2005, is amended to read as follows:
28 34 b. Each name reserved under section 488.109, or under
28 35 sections 486A.1001, 490.401, 490.402, 490A.401, 490A.402,
29 1 504.401, 504.402, 504A.6, 504A.7, and 547.1.
29 2 Sec. 71. Section 488.1003, subsections 1 and 2, Code 2005,
29 3 are amended to read as follows:
29 4 1. The person ~~that~~ was a partner when the conduct giving
29 5 rise to the action occurred.
29 6 2. The ~~person whose person's~~ status as a partner devolved
29 7 upon the person by operation of law or pursuant to the terms
29 8 of the partnership agreement from a person that was a partner
29 9 at the time of the conduct.
29 10 Sec. 72. Section 490.850, subsection 2, Code 2005, is
29 11 amended to read as follows:
29 12 2. "Director" or "officer" means an individual who is or
29 13 was a director or officer, respectively, of a corporation or
29 14 who, while a director or officer of the corporation, is or was
29 15 serving at the corporation's request as a director, officer,
29 16 partner, trustee, employee, or agent of another domestic or
29 17 foreign corporation, partnership, joint venture, trust,
29 18 employee benefit plan, or other entity. A director or officer
29 19 is considered to be serving an employee benefit plan at the
29 20 corporation's request if the director's duties to the
29 21 corporation also impose duties on, or otherwise involve
29 22 services by, that director to the plan or to participants in
29 23 or beneficiaries of the plan. "Director" or "officer"
29 24 includes, unless the context requires otherwise, the estate or
29 25 personal representative of a director or officer.
29 26 Sec. 73. Section 501.103, subsection 3, unnumbered
29 27 paragraph 1, Code 2005, is amended to read as follows:
29 28 A cooperative that claims that it is exempt from the
29 29 restrictions of section 9H.4 pursuant to subsection 2 shall
29 30 file ~~an annual~~ a biennial report with the secretary of state
29 31 on or before March 31 of each ~~even-numbered~~ year on forms
29 32 supplied by the secretary of state. The report shall be
29 33 signed by the president or the vice president of the
29 34 cooperative and shall contain the following:
29 35 Sec. 74. Section 502.102, subsection 17, paragraph d, Code
30 1 2005, is amended to read as follows:
30 2 d. With respect to a viatical settlement investment
30 3 contract, "issuer" means a person involved in creating,
30 4 transferring, or selling to an investor any interest in such a
30 5 contract, including but not limited to fractional or pooled
30 6 interests, but does not include an agent or a broker-dealer.
30 7 Sec. 75. Section 502.204, subsection 1, Code 2005, is
30 8 amended to read as follows:
30 9 1. ENFORCEMENT-RELATED POWERS. Except with respect to a
30 10 federal covered security or a transaction involving a federal
30 11 covered security, an order under this chapter may deny,
30 12 suspend application of, condition, limit, or revoke an
30 13 exemption created under section 502.201, subsection 3,
30 14 paragraph "c", or subsection 7 ~~or 8, 8A, or 8B,~~ or section
30 15 502.202, or an exemption or waiver created under section
30 16 502.203 with respect to a specific security, transaction, or
30 17 offer. An order under this section may be issued only
30 18 pursuant to the procedures in section 502.306, subsection 4,
30 19 or section 502.604, and only prospectively.
30 20 Sec. 76. Section 502.508, subsection 2, Code 2005, is
30 21 amended to read as follows:
30 22 2. CRIMINAL REFERENCE NOT REQUIRED. The attorney general
30 23 or the proper county attorney, with or without a reference
30 24 from the administrator, may institute criminal proceedings
30 25 under this chapter.
30 26 Sec. 77. Section 504.111, subsection 3, Code 2005, is
30 27 amended to read as follows:
30 28 3. The document must contain the information required by
30 29 this ~~subchapter~~ chapter. It may contain other information as
30 30 well.
30 31 Sec. 78. Section 504.141, subsection 30, Code 2005, is
30 32 amended to read as follows:

30 33 30. "Record date" means the date established under
30 34 subchapter VI or VII on which a corporation determines the
30 35 identity of its members for the purposes of this ~~subchapter~~
31 1 ~~chapter~~.

31 2 Sec. 79. Section 504.142, subsection 4, paragraph b, Code
31 3 2005, is amended to read as follows:

31 4 b. When electronically transmitted to the ~~shareholder~~
31 5 ~~member~~ in a manner authorized by the ~~shareholder~~ member.

31 6 Sec. 80. Section 504.142, subsection 8, Code 2005, is
31 7 amended to read as follows:

31 8 8. Written notice is correctly addressed to a domestic or
31 9 foreign corporation authorized to transact business in this
31 10 state, other than in its capacity as a member, if addressed to
31 11 its registered agent or to its secretary at its principal
31 12 office shown in its most recent biennial report or, in the
31 13 case of a foreign corporation that has not yet delivered ~~an~~
31 14 ~~annual~~ a biennial report, in its application for a certificate
31 15 of authority.

31 16 Sec. 81. Section 504.202, subsection 2, paragraph d,
31 17 subparagraph (3), Code 2005, is amended to read as follows:

31 18 (3) A violation of section ~~504.834~~ 504.835.

31 19 Sec. 82. Section 504.202, subsection 2, paragraph e,
31 20 subparagraph (3), Code 2005, is amended to read as follows:

31 21 (3) A violation of section ~~504.834~~ 504.835.

31 22 Sec. 83. Section 504.401, subsection 2, paragraph b, Code
31 23 2005, is amended to read as follows:

31 24 b. A corporate name reserved or registered under section
31 25 490.402, 490.403, 504.402, ~~or~~ 504.403, or 504A.6.

31 26 Sec. 84. Section 504.401, subsection 5, Code 2005, is
31 27 amended to read as follows:

31 28 5. This ~~subchapter~~ chapter does not control the use of
31 29 fictitious names; however, if a corporation or a foreign
31 30 corporation uses a fictitious name in this state it shall
31 31 deliver to the secretary of state for filing a copy of the
31 32 resolution of its board of directors, certified by its
31 33 secretary, adopting the fictitious name.

31 34 Sec. 85. Section 504.403, subsection 1, paragraph b, Code
31 35 2005, is amended to read as follows:

32 1 b. A corporate name reserved under section 490.402,
32 2 490.403, ~~or~~ 504.402, or 504A.6 or registered under this
32 3 section.

32 4 Sec. 86. Section 504.704, subsection 1, Code 2005, is
32 5 amended to read as follows:

32 6 1. Unless limited or prohibited by the articles or bylaws
32 7 of the corporation, action required or permitted by this
32 8 ~~subchapter~~ chapter to be approved by the members of a
32 9 corporation may be approved without a meeting of members if
32 10 the action is approved by members holding at least eighty
32 11 percent of the voting power. The action must be evidenced by
32 12 one or more written consents describing the action taken,
32 13 signed by those members representing at least eighty percent
32 14 of the voting power, and delivered to the corporation for
32 15 inclusion in the minutes or filing with the corporate records.
32 16 A written consent may be revoked by a writing to that effect
32 17 received by the corporation prior to the receipt by the
32 18 corporation of unrevoked written consents sufficient in number
32 19 to take corporation action.

32 20 Sec. 87. Section 504.705, subsection 3, paragraph b, Code
32 21 2005, is amended to read as follows:

32 22 b. The notice of an annual or regular meeting includes a
32 23 description of any matter or matters which must be considered
32 24 for approval by the members under sections 504.833, ~~504.857~~
32 25 504.859, 504.1003, 504.1022, 504.1104, 504.1202, ~~504.1401~~, and
32 26 504.1402.

32 27 Sec. 88. Section 504.706, subsection 1, Code 2005, is
32 28 amended to read as follows:

32 29 1. A member may waive any notice required by this
32 30 ~~subchapter~~ chapter, the articles, or bylaws before or after
32 31 the date and time stated in the notice. The waiver must be in
32 32 writing, be signed by the member entitled to the notice, and
32 33 be delivered to the corporation for inclusion in the minutes
32 34 or filing with the corporate records.

32 35 Sec. 89. Section 504.713, subsection 1, Code 2005, is
33 1 amended to read as follows:

33 2 1. Unless this ~~subchapter~~ chapter or the articles or
33 3 bylaws of a corporation provide for a higher or lower quorum,
33 4 ten percent of the votes entitled to be cast on a matter must
33 5 be represented at a meeting of members to constitute a quorum
33 6 on that matter.

33 7 Sec. 90. Section 504.714, subsection 1, Code 2005, is
33 8 amended to read as follows:

33 9 1. Unless this ~~subchapter~~ chapter or the articles or
33 10 bylaws of a corporation require a greater vote or voting by
33 11 class, if a quorum is present, the affirmative vote of the
33 12 votes represented and voting, which affirmative votes also
33 13 constitute a majority of the required quorum, is the act of
33 14 the members.

33 15 Sec. 91. Section 504.822, subsection 1, Code 2005, is
33 16 amended to read as follows:

33 17 1. Except to the extent the articles or bylaws of a
33 18 corporation require that action by the board of directors be
33 19 taken at a meeting, action required or permitted by this
33 20 ~~subchapter~~ chapter to be taken by the board of directors may
33 21 be taken without a meeting if each director signs a consent
33 22 describing the action to be taken and delivers it to the
33 23 corporation.

33 24 Sec. 92. Section 504.824, Code 2005, is amended to read as
33 25 follows:

33 26 504.824 WAIVER OF NOTICE.

33 27 1. A director may at any time waive any notice required by
33 28 this ~~subchapter~~ chapter, the articles, or bylaws. Except as
33 29 provided in subsection 2, the waiver must be in writing,
33 30 signed by the director entitled to the notice, and filed with
33 31 the minutes or the corporate records.

33 32 2. A director's attendance at or participation in a
33 33 meeting waives any required notice of the meeting unless the
33 34 director, upon arriving at the meeting or prior to the vote on
33 35 a matter not noticed in conformity with this ~~subchapter~~
34 1 chapter, the articles, or bylaws, objects to lack of notice
34 2 and does not thereafter vote for or assent to the objected-to
34 3 action.

34 4 Sec. 93. Section 504.825, Code 2005, is amended to read as
34 5 follows:

34 6 504.825 QUORUM AND VOTING.

34 7 1. Except as otherwise provided in this ~~subchapter~~
34 8 chapter, or the articles or bylaws of a corporation, a quorum
34 9 of a board of directors consists of a majority of the
34 10 directors in office immediately before a meeting begins. The
34 11 articles or bylaws shall not authorize a quorum of fewer than
34 12 one-third of the number of directors in office.

34 13 2. If a quorum is present when a vote is taken, the
34 14 affirmative vote of a majority of directors present is the act
34 15 of the board unless this ~~subchapter~~ chapter, the articles, or
34 16 bylaws require the vote of a greater number of directors.

34 17 Sec. 94. Section 504.832, subsection 1, paragraph a, Code
34 18 2005, is amended to read as follows:

34 19 a. That section 504.202, subsection 2, paragraph "d", or
34 20 504.901 or the protection afforded by section ~~504.831~~ 504.833,
34 21 if interposed as a bar to the proceeding by the director, does
34 22 not preclude liability.

34 23 Sec. 95. Section 504.832, subsection 3, paragraph c, Code
34 24 2005, is amended to read as follows:

34 25 c. Affect any rights to which the corporation or a
34 26 ~~shareholder member~~ may be entitled under another statute of
34 27 this state or the United States.

34 28 Sec. 96. Section 504.833, subsection 2, unnumbered
34 29 paragraph 1, Code 2005, is amended to read as follows:

34 30 A transaction in which a director of a ~~mutual-benefit~~
34 31 corporation has a conflict of interest may be approved if
34 32 either of the following occurs:

34 33 Sec. 97. Section 504.833, subsection 5, Code 2005, is
34 34 amended to read as follows:

34 35 5. For purposes of subsection 2, paragraph "b", a conflict
35 1 of interest transaction is authorized, approved, or ratified
35 2 by the members if it receives a majority of the votes entitled
35 3 to be counted under this subsection. Votes cast by or voted
35 4 under the control of a director who has a direct or indirect
35 5 interest in the transaction, and votes cast by or voted under
35 6 the control of an entity described in subsection 3, paragraph
35 7 "a", shall not be counted in a vote of members to determine
35 8 whether to authorize, approve, or ratify a conflict of
35 9 interest transaction under subsection 2, paragraph "b". The
35 10 vote of these members, however, is counted in determining
35 11 whether the transaction is approved under other sections of
35 12 this ~~subchapter~~ chapter. A majority of the voting power,
35 13 whether or not present, that is entitled to be counted in a
35 14 vote on the transaction under this subsection constitutes a
35 15 quorum for the purpose of taking action under this section.

35 16 Sec. 98. Section 504.835, subsection 1, Code 2005, is
35 17 amended to read as follows:

35 18 1. Unless a director complies with the applicable
35 19 standards of conduct described in section 504.831, a director

35 20 who votes for or assents to a distribution made in violation
35 21 of this ~~subchapter~~ chapter is personally liable to the
35 22 corporation for the amount of the distribution that exceeds
35 23 what could have been distributed without violating this
35 24 ~~subchapter~~ chapter.

35 25 Sec. 99. Section 504.835, subsection 2, paragraph b, Code
35 26 2005, is amended to read as follows:

35 27 b. Each person who received an unlawful distribution for
35 28 the amount of the distribution whether or not the person
35 29 receiving the distribution knew it was made in violation of
35 30 this ~~subchapter~~ chapter.

35 31 Sec. 100. Section 504.852, subsection 4, paragraph a, Code
35 32 2005, is amended to read as follows:

35 33 a. In connection with a proceeding by or in the right of
35 34 the corporation, except for reasonable expenses incurred in
35 35 connection with the proceeding if it is determined that the
36 1 director has met the relevant standard of conduct under
36 2 subsection 1.

36 3 Sec. 101. Section 504.856, subsection 2, paragraph c, Code
36 4 2005, is amended to read as follows:

36 5 c. By the members of a ~~mutual benefit~~ corporation, but
36 6 directors who are at the time parties to the proceeding shall
36 7 not vote on the determination.

36 8 Sec. 102. Section 504.857, subsection 1, paragraph b,
36 9 subparagraph (2), subparagraph subdivision (b), Code 2005, is
36 10 amended to read as follows:

36 11 (b) An intentional infliction of harm on the corporation
36 12 or the ~~shareholders~~ members.

36 13 Sec. 103. Section 504.901, subsection 3, Code 2005, is
36 14 amended to read as follows:

36 15 3. A violation of section ~~504.834~~ 504.835.

36 16 Sec. 104. Section 504.1008, Code 2005, is amended to read
36 17 as follows:

36 18 504.1008 EFFECT OF AMENDMENT AND RESTATEMENT.

36 19 An amendment to articles of incorporation does not affect a
36 20 cause of action existing against or in favor of the
36 21 corporation, a proceeding to which the corporation is a party,
36 22 any requirement or limitation imposed upon the corporation, or
36 23 any property held by it by virtue of any trust upon which such
36 24 property is held by the corporation, or the existing rights of
36 25 persons other than members of the corporation. An amendment
36 26 changing a corporation's name does not abate a proceeding
36 27 brought by or against the corporation in its former name.

36 28 Sec. 105. Section 504.1101, subsection 1, Code 2005, is
36 29 amended to read as follows:

36 30 1. Subject to the limitations set forth in section
36 31 504.1102, one or more nonprofit corporations may merge with or
36 32 into any one or more business corporations or nonprofit
36 33 corporations or limited liability companies, if the plan of
36 34 merger is approved as provided in section 504.1103.

36 35 Sec. 106. Section 504.1102, subsection 1, paragraph d,
37 1 subparagraph (3), Code 2005, is amended to read as follows:

37 2 (3) The merger is approved by a majority of directors of
37 3 the public benefit or religious corporation who are not and
37 4 will not become members or shareholders in or officers,
37 5 employees, agents, or consultants of the surviving ~~corporation~~
37 6 entity.

37 7 Sec. 107. Section 523A.402, subsection 6, paragraph c,
37 8 Code 2005, is amended to read as follows:

37 9 c. The annuity shall not be contestable, or limit death
37 10 benefits in the case of suicide, with respect to that portion
37 11 of the face amount of the annuity which is required by
37 12 paragraph "b". The annuity shall not refer to physical
37 13 examination, or otherwise operate as an exclusion, limitation,
37 14 or condition other than requiring submission of proof of death
37 15 or surrender of the annuity at the time the prepaid purchase
37 16 agreement is funded, matures, or is canceled, as the case may
37 17 be.

37 18 Sec. 108. Section 524.310, subsection 1, Code 2005, is
37 19 amended to read as follows:

37 20 1. The name of a state bank originally incorporated or
37 21 organized after the effective date of this chapter shall
37 22 include the word "bank" and may include the word "state" or
37 23 "trust" in its name. A state bank using the word "trust" in
37 24 its name must be authorized under this chapter to act in a
37 25 fiduciary capacity. A national bank or federal savings ~~bank~~
37 26 association shall not use the word "state" in its legally
37 27 chartered name.

37 28 Sec. 109. Section 524.1201, subsection 4, Code 2005, is
37 29 amended by striking the subsection.

37 30 Sec. 110. Section 524.1303, subsections 4 and 5, Code

37 31 2005, are amended to read as follows:

37 32 4. Within thirty days after the date of the ~~second~~
37 33 publication of the notice, any interested person may submit to
37 34 the superintendent written comments and data on the
37 35 application. The superintendent may extend the thirty-day
38 1 comment period if, in the superintendent's judgment,
38 2 extenuating circumstances exist.

38 3 5. Within thirty days after the date of the ~~second~~
38 4 publication of the notice, any interested person may submit to
38 5 the superintendent a written request for a hearing on the
38 6 application. The request shall state the nature of the issues
38 7 or facts to be presented and the reasons why written
38 8 submissions would be insufficient to make an adequate
38 9 presentation to the superintendent. If the reasons are
38 10 related to factual disputes, the disputes shall be described.
38 11 Comments challenging the legality of an application shall be
38 12 submitted separately in writing and shall not be considered at
38 13 a hearing conducted pursuant to this section. Written
38 14 requests for hearings shall be evaluated by the
38 15 superintendent, who may grant or deny such requests in whole
38 16 or in part. A hearing request shall generally be granted only
38 17 if it is determined that written submissions would be
38 18 inadequate or that a hearing would otherwise be beneficial to
38 19 the decision-making process. A hearing may be limited to
38 20 issues considered material by the superintendent.

38 21 Sec. 111. Section 524.1309, subsections 5 and 6, Code
38 22 2005, are amended to read as follows:

38 23 5. The board of directors has full power to complete the
38 24 settlement of the affairs of the state bank. Within thirty
38 25 days after approval by the superintendent of the plan to cease
38 26 the business of banking and become a corporation subject to
38 27 chapter 490, or a limited liability company subject to chapter
38 28 490A, the state bank shall give notice of its intent to
38 29 persons identified in section 524.1305, subsection ~~4~~ 3, in the
38 30 manner provided for in that subsection. In completing the
38 31 settlement of its affairs as a state bank the state bank shall
38 32 also follow the procedure prescribed in section 524.1305,
38 33 subsections 4, 5, and 6.

38 34 6. Upon completion of all the requirements of this
38 35 section, the state bank shall deliver to the superintendent
39 1 articles of intent to be subject to chapter 490 or 490A,
39 2 together with the applicable filing and recording fees, which
39 3 shall set forth that the state bank has complied with this
39 4 section, that it has ceased to carry on the business of
39 5 banking, and the information required by section 490.202
39 6 relative to the contents of articles of incorporation under
39 7 chapter 490, or article of organization under chapter 490A.
39 8 If the superintendent finds that the state bank has complied
39 9 with this section and that the articles of intent to be
39 10 subject to chapter 490 or 490A satisfy the requirements of
39 11 this section, the superintendent shall deliver them to the
39 12 secretary of state for filing and recording in the secretary
39 13 of state's office, and ~~they the superintendent shall be filed~~
39 14 file and recorded record them in the office of the county
39 15 recorder.

39 16 Sec. 112. Section 524.1402, subsections 5 and 6, Code
39 17 2005, are amended to read as follows:

39 18 5. Within thirty days after the date of the ~~second~~
39 19 publication of the notice required under subsection 4, any
39 20 interested person may submit to the superintendent written
39 21 comments and data on the application. Comments challenging
39 22 the legality of an application shall be submitted separately
39 23 in writing. The superintendent may extend the thirty-day
39 24 comment period if, in the superintendent's judgment,
39 25 extenuating circumstances exist.

39 26 6. Within thirty days after the date of the ~~second~~
39 27 publication of the notice required under subsection 4, any
39 28 interested person may submit to the superintendent a written
39 29 request for a hearing on the application. The request shall
39 30 state the nature of the issues or facts to be presented and
39 31 the reasons why written submissions would be insufficient to
39 32 make an adequate presentation to the superintendent. If the
39 33 reasons are related to factual disputes, the disputes shall be
39 34 described. Written requests for hearings shall be evaluated
39 35 by the superintendent, who may grant or deny such requests in
40 1 whole or in part. A hearing request shall generally be
40 2 granted only if it is determined that written submissions
40 3 would be inadequate or that a hearing would otherwise be
40 4 beneficial to the decision-making process. A hearing may be
40 5 limited to issues considered material by the superintendent.

40 6 Sec. 113. Section 535.8, subsection 2, paragraph b,

40 7 unnumbered paragraph 3, Code 2005, is amended to read as
40 8 follows:

40 9 The collection of any costs other than as expressly
40 10 permitted by this paragraph "b" is prohibited. However,
40 11 additional costs incurred in connection with a loan under this
40 12 paragraph "b", if bona fide and reasonable, may be collected
40 13 by a state-chartered financial institution licensed under
40 14 chapter 524, 533, or 534, to the extent permitted under
40 15 applicable federal law as determined by the office of the
40 16 comptroller of the currency of the United States department of
40 17 treasury, the national credit union administration, or the
40 18 office of thrift supervision of the United States department
40 19 of treasury. Such costs shall apply only to the same type of
40 20 state-chartered entity as the federally chartered entity
40 21 affected and shall apply to and may be collected by an insurer
40 22 organized under chapter 508 or 515, or otherwise authorized to
40 23 conduct the business of insurance in this state.

40 24 Sec. 114. Section 535.8, subsection 2, paragraph b, Code
40 25 2005, is amended by adding the following new unnumbered
40 26 paragraph:

40 27 NEW UNNUMBERED PARAGRAPH. Nothing in this section shall be
40 28 construed to change the prohibition against the sale of title
40 29 insurance or sale of insurance against loss or damage by
40 30 reason of defective title or encumbrances as provided in
40 31 section 515.48, subsection 10.

40 32 Sec. 115. Section 546.10, subsection 1, Code 2005, is
40 33 amended by adding the following new paragraph:

40 34 NEW PARAGRAPH. f. The real estate appraiser examining
40 35 board created pursuant to section 543D.4.

41 1 Sec. 116. Section 551A.9, subsection 3, paragraph e, Code
41 2 2005, is amended to read as follows:

41 3 e. Misrepresent the amount of profits, net or gross, which
41 4 the ~~business opportunity~~ purchaser can expect from the
41 5 operation of the business opportunity.

41 6 Sec. 117. Section 602.8102, subsection 135A, Code 2005, is
41 7 amended to read as follows:

41 8 135A. Assess the surcharges provided by sections 911.1,
41 9 911.2, 911.3, and 911.4.

41 10 Sec. 118. Section 714.22, unnumbered paragraph 1, Code
41 11 2005, is amended to read as follows:

41 12 The provisions of sections 714.17 ~~to 714.22~~ through 714.21
41 13 shall not apply to trade or vocational schools if they meet
41 14 either of the following conditions:

41 15 Sec. 119. Section 814.11, subsection 7, Code 2005, is
41 16 amended to read as follows:

41 17 7. An attorney appointed under this section is not liable
41 18 to a person represented by the attorney for damages as a
41 19 result of a conviction in a criminal case unless the court
41 20 determines in a postconviction proceeding or on direct appeal
41 21 that the person's conviction resulted from ineffective
41 22 assistance of counsel, and the ineffective assistance of
41 23 counsel is the proximate cause of the damage. In juvenile or
41 24 civil proceedings, an attorney appointed under this section is
41 25 not liable to a person represented by the attorney for damages
41 26 unless it has been determined that the attorney has provided
41 27 ineffective assistance of counsel and the ineffective
41 28 assistance of counsel ~~claim~~ is the proximate cause of the
41 29 damage.

41 30 Sec. 120. Section 815.10, subsection 6, Code 2005, is
41 31 amended to read as follows:

41 32 6. An attorney appointed under this section is not liable
41 33 to a person represented by the attorney for damages as a
41 34 result of a conviction in a criminal case unless the court
41 35 determines in a postconviction proceeding or on direct appeal
42 1 that the person's conviction resulted from ineffective
42 2 assistance of counsel, and the ineffective assistance of
42 3 counsel is the proximate cause of the damage. In juvenile or
42 4 civil proceedings, an attorney appointed under this section is
42 5 not liable to a person represented by the attorney for damages
42 6 unless it has been determined that the attorney has provided
42 7 ineffective assistance of counsel, and the ineffective
42 8 assistance of counsel ~~claim~~ is the proximate cause of the
42 9 damage.

42 10 Sec. 121. 2002 Iowa Acts, chapter 1111, section 36, is
42 11 repealed.

42 12 Sec. 122. 2004 Iowa Acts, chapter 1049, section 81, the
42 13 portion enacting section 504.810, subsection 1, paragraph a,
42 14 is amended to read as follows:

42 15 a. A director engaged in fraudulent conduct with respect
42 16 to the corporation or its members, grossly abused the position
42 17 of director, or intentionally inflicted harm on the

42 18 corporation.
42 19 Sec. 123. 2004 Iowa Acts, chapter 1049, section 101, the
42 20 portion enacting section 504.851, subsection 6, paragraph b,
42 21 is amended to read as follows:
42 22 b. When used with respect to an officer, as contemplated
42 23 in section 504.857, the office in a corporation held by the
42 24 officer. "Official capacity" does not include service for any
42 25 other foreign or domestic business or nonprofit corporation or
42 26 any partnership, joint venture, trust, employee benefit plan,
42 27 or other entity.
42 28 Sec. 124. 2004 Iowa Acts, chapter 1161, is amended by
42 29 adding the following new section:
42 30 SEC. 62A. Section 502.701, subsection 1, Code 2003, is
42 31 amended to read as follows:
42 32 1. A joint investment trust organized pursuant to chapter
42 33 28E for the purposes of joint investment of public funds is
42 34 subject to the jurisdiction and authority of the
42 35 administrator, including all requirements of this chapter,
43 1 except the registration provisions of sections ~~502.201~~ 502.301
43 2 and ~~502.210~~ 502.321.
43 3 Sec. 125. Sections 101.28, 163.13, 163.22, and 266.32,
43 4 Code 2005, are repealed.
43 5 Sec. 126. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.
43 6 1. The section of this Act amending section 22.1,
43 7 subsection 3, is retroactively applicable to July 1, 2004, and
43 8 is applicable on and after that date.
43 9 2. The section of this Act repealing 2002 Iowa Acts,
43 10 chapter 1111, section 36, takes effect upon enactment and
43 11 applies retroactively to June 30, 2004.
43 12 3. The section of this Act amending 2004 Acts, chapter
43 13 1049, section 81, takes effect upon enactment and applies
43 14 retroactively to July 1, 2004.
43 15 4. The section of this Act amending 2004 Iowa Acts,
43 16 chapter 1049, section 101, takes effect upon enactment and
43 17 applies retroactively to July 1, 2004.
43 18 5. The section of this Act amending 2004 Iowa Acts,
43 19 chapter 1161, takes effect upon enactment and applies
43 20 retroactively to January 1, 2005.

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43 24 _____
43 25 CHRISTOPHER C. RANTS
43 26 Speaker of the House

43 27
43 28
43 29 _____
43 30 JOHN P. KIBBIE
43 31 President of the Senate

43 32 I hereby certify that this bill originated in the House and
43 33 is known as House File 227, Eighty-first General Assembly.
43 34

43 35
44 1
44 2 _____
44 3 MARGARET THOMSON
44 4 Chief Clerk of the House

44 5 Approved _____, 2005
44 6
44 7

44 8 _____
44 9 THOMAS J. VILSACK
44 9 Governor